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May 22

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LAW

Mr. James J. Barry, Commissioner
Department of Public Welfare
State House Annex

Dear Sir:

By your letter of May 14, 1951 you have inquired whether, in towns having town managers, your Department should deal with the managers or with the selectmen in connection with the procedure prescribed in R. L. c. 126, ss. 14, 16 and 21. In my opinion, although a town may employ a manager under the provisions of R. L. c. 55, your Department should deal directly with the selectmen.

The powers of the manager in respect to relief are prescribed in R. L. c. 55 s. 6 VIII:

"To administer the poor relief of the town, either directly or through a person or persons appointed by him, and under the supervision of the selectmen."

The language of this section, especially that portion which permits the manager to delegate his relief duties, strongly suggests that the duties of the town manager in respect to relief, as contemplated by this section, are purely ministerial, and do not embrace the matter of dealing with the state government.

Moreover, R. L. c. 126 was enacted some eight years after the passage of R. L. c. 55; many years after the adoption of the general relief statute (R. L. c. 124) which places town relief matters generally in the hands of the overseers in cities as the individuals to deal with the state in respect to the forms of relief administered by your Department, totally ignoring town managers and overseers of the poor in towns.

These considerations lead to the conclusion that the responsibilities of the selectmen under the plain language of R. L. c. 126 have not been assigned to town managers under R. L. c. 55. You should, therefore, deal with the

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selection in giving notice of the receipt of applications for assistance and of your decision thereon (R. L. c. 126 ss. 14, 16) and in securing reimbursement from the town (R. L. c. 126 s. 21).

You will recognize that this opinion is limited in its application to those towns having town managers under R. L. c. 55, the general enabling act. It is not intended to apply to any towns which may have managers under the authority of special acts.

Very truly yours,

Gordon M. Tiffany
Attorney General

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